JUROR NOTE NO. 4

(Located In The Record Below At A 2243)

DEAR JUDGE BELL:

WILL THE ALLEDGEDLY [SIC] INFRINGED MOLDS BE ABLE TO CONTINUE TO BE IN OPERATION IF SAID MOLDS ARE INFRINGED?

W Paulus
7/15/92

RESPONSE TO JUROR NOTE NO. 4

(Located In The Record Below At A 2243)

YES. THE INSTRUCTIONS AT PP. 101-102 STATE THAT THE COURT HAS PREVIOUSLY RULED IN THIS CASE THAT THE REASONABLE ROYALTY, IF APPLICABLE, MUST BE DETERMINED AS A SINGLE LUMP-SUM PAYMENT. THE EFFECT OF THIS RULING IS THAT THE MOLDS CAN BE USED FOR THE LIFE OF THE MOLDS, AND THUS THE REASONABLE ROYALTY, IF APPLICABLE, SHOULD COVER COMMENSURATE USE OF THE MOLDS.

JUDGE SAM H. BELL

INSTRUCTION TO JURY

(Located In The Record Below At A 1824-15)

If you find that a reasonable royalty is the appropriate measure of damages in this case, then you are bound to follow a ruling which the court made in this case before the trial began. In particular, if you find that a reasonable royalty is the appropriate measure of damages in this case, the court has ruled the appropriate measure of that reasonable royalty must be based upon a single lump-sum payment.